November 14, 2014

Answers by Minister Ploumen of Foreign Trade and Development to

Parliamentary Questions by the member Voordewind (ChristianUnion) to the Minister of Foreign Trade and Development and the Minister of Foreign Trade and Development Co-operation about the report Flawed Fabrics *on modern slavery and child labour in India*

Question 1
Are you familiar with the report *Flawed Fabrics* report by SOMO and the India Committee of the Netherlands (ICN) showing that (especially 'outcaste') Dalit girls and women are victims of 'modern slavery' and child labour in the Indian textile sector, many of which work in the supply chains of garment brands such as *Primark, C&A* and *Mothercare*?[1]

Answer
Yes.

Question 2
Do you agree with the conclusion of the report *Flawed Fabrics* that voluntarism does not work in addressing these abuses and that a mandatory approach is needed to combat slavery and child labour?

Answer
No. It is still too early to say that this approach does not work. Countries must - within their territory - take their responsibility to protect human rights within their territory and have an obligation to combat abuses such as slavery and child labour. Companies have a responsibility to respect human rights, even in cases where the state does not effectively maintain these rights.

The Dutch government reminds companies of this responsibility and calls on them to take action when abuses are detected. It is not just about combating abuses, but also about the prevention of human rights violations. This is part of a proper *due diligence* in the [supply] chain. The Dutch government supports and promotes proper *due diligence* in the [supply] chain through the Sector Risk Analysis. With the textile sector a covenant will be worked out, which will establish a number of concrete agreements in this area. Agreements will also be made with other sectors. This is done on a voluntary basis. It is therefore too early to say that this approach does not work.

Question 3
How do you consider the remark in the article in the *Volkskrant* of October 28, 2014[2] ("Abuses in the spinning mills of H&M") that "in this issue H&M is paying the price for its own good behaviour" because "the Swedish fashion group since last year publishes which factories are making their garments"? Do you agree that frontrunners in this area should in fact be supported by making supply chain transparency mandatory?

Answer
Providing insight into the supply chain is important to discover and address abuses. Surveys such as the study by SOMO and the India Committee of the Netherlands (ICN) on the conditions in India will help in doing that. In fact Primark and C & A say they are using the report to address the abuses found (*Volkskrant*, October 29, 2014[3]). This is an example of how NGOs can make a constructive contribution to the completeness of *due diligence*.

It is good that companies are striving to be transparent about which factories they are working with. This fits into a policy of companies that are trying to strengthen themselves in the field of CSR. In addition, companies can distinguish themselves by chain supply transparency for consumers. Considering that, I see no reason for mandatory regulations in this area.

The Dutch sector shows on a voluntary basis in elaborating on its Plan of Action how they shape this responsibility for *due diligence*, thus providing insight into the chain and addressing abuses.

Question 4
Are you willing to take the initiative to work on mandatory chain transparency and due diligence in industries with high human rights risks? Are you willing to take an important new step in addition to the Dutch efforts that you already formulate in your answer on parliamentary questions of 24 June last?

Answer
Mandatory supply chain transparency is not the only way. It is also hardly effective to implement this only at the national level. I am however in favour of creating a more level playing field in terms of legal measures. In that context, I am willing to explore whether it is possible at European level to work towards mandatory chain transparency and *due diligence*.

Question 5
Do you agree that the expectation expressed in your answers on June 24[(4)] to questions 3 and 4 by the members Voordewind, Gesthuizen, Van der Staaij and Van Ojik about the functioning of the working groups under the Plan of Action of the [textile and garment] trade associations, particularly the working group on bonded labour, has not materialized in view of the fact that only one company is a member of the working group on bonded labour? Are you still willing to urgently address the Dutch companies that import garments from South India on their due diligence when purchasing clothing from South India, especially on the serious violations of human rights as described in *Flawed Fabrics*?

Answer
It is important that this working group, whatever its size, will provide good recommendations that will be broadly supported by the sector. The trade associations in the textile sector – VGT, Modint and Inretail – are trying to increase the involvement of their members in the various working groups under the Plan of Action. For example, they have sent a letter early October to all twenty companies mentioned in the report *"Small steps, big challenges"* to urge them to participate in the working group on bonded labour. Also during the conference *'Groen is de rode draad'* on 30 October, an appeal was made to do so. With results. Since then, several new companies joined this group.

Dutch companies are responsible themselves for giving shape to their *due diligence*. The Dutch government calls to account the Dutch (textile) companies for this. There is no distinction between companies that import clothing from South India or other countries.

Question 6
Are you prepared to raise this issue during your upcoming trade mission to India with your Indian colleagues, including the new Minister of Labour you mentioned earlier, Narendra Singh Tomar, and to voice your willingness to look with them for solutions?

Answer

Yes. I have raised this issue during my visit to India with the Minister of Women's and Children's Affairs and the Nobel Prize winner and fighter for children's rights, Kailash Satyarthi. I also promised additional project support in the area of capacity building for his organisation as well as support for parliamentary exchange.

Question 7

Are there any results of your collaboration with the ILO, the EU and the OECD on the issue of child labour and 'modern slavery' in the Indian textile industry? If so, what results? If not, why not? Do you agree with me that this enormous and serious problem requires a greater commitment of these organizations and are you willing to commit yourself to encourage them to do so?

Answer

The International Labour Organization (ILO) is active in the global fight against child labour and 'modern slavery', it is the organization designated as the guardian of the international conventions against child labour and forced labour.

The Netherlands supports the *International Programme for the Elimination of Child Labour (IPEC)* of the ILO with € 6.7 million in the period 2010-2015. The Dutch embassy in India is one of the embassies that support specific country programs of the IPEC. The Netherlands regularly urges other countries to ratify and implement the ILO conventions against child labour.

The EU and the OECD support the efforts of the ILO in this area. The EU deploys trade instruments to improve the ratification and implementation of ILO conventions. This relates specifically to the General System of Preferences. The OECD with its OECD Guidelines for Multinational Enterprises set clear standards, including the way *due diligence* must be completed in the area of human rights.

[Translation by ICN]

Notes:
(1) http://www.somo.nl/publications-nl/Publication_4110-nl?set_language=nl
(2) http://www.volkskrant.nl/economie/misstanden-bij-spinnerijen-hm~a3777120/
(3) Article in *Volkskrant*, Oct 29, 2014, 'Openheid industrie is vaak schijn'.
(4) Annex of Proceedings, Parliamentary year 2013-2014, no. 2324